



W.P.(MD).No.2754 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2754 of 2024

S.Kumaraguru

... Petitioner

Vs

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 600 009.

2. The Special Commissioner and Commissioner
of Revenue Administration,
Chepauk, Chennai - 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's review petition, dated 15.09.2010 pending on the file of the respondent within a time frame stipulated by this Court.

For Petitioner : Mr. Aayiramk.Selvakumar

For Respondents : Mr.S.Shaji Bino
Special Government Pleader



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ORDER

The present writ petition has been filed seeking a direction to the 1st respondent to dispose of the petitioner's review petition, dated 15.09.2010 pending on the file of the respondents within the time frame stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Perused the materials on record.

4.(i).The petitioner was initially appointed as Junior Assistant in the Revenue Department, then promoted as Assistant and Firka Revenue Inspector. In the meanwhile, a case was registered against him and the same was charge sheeted as C.C.No.6 of 2022 on the file Chief Judicial Magistrate,



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Tirunelveli and the same ended in acquittal on 24.09.2016. Challenging the same, an appeal was preferred by the Department and the same was also dismissed by this Court on 30.11.2021.

(ii).Though the case against him ended in acquittal, a charge memo was issued to him on 03.01.2019. Challenging the same, the petitioner has preferred a writ petition in W.P(MD)No.7527 of 2019 and the same was allowed by this Court vide order, dated 02.08.2022.

(iii).In the meanwhile, the second respondent had issued a charge memo, dated 22.12.2002 against the petitioner and others. Being not satisfied with the explanation submitted by the delinquents, an enquiry has been conducted and order of punishment was imposed by the first respondent on 08.04.2010, in which, stoppage of increment without cumulative effect for a period of two years was awarded to the petitioner. Challenging the same, the petitioner has preferred a revision on 15.09.2010 before the first respondent and the same is pending endlessly. Hence, this writ petition came to be filed.



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5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

6. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the first respondent to dispose of the petitioner's review petition, dated 15.09.2010 in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

09.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Secretary to Government,
Revenue Department, Fort St. George,
Chennai - 600 009.
2. The Special Commissioner and Commissioner
of Revenue Administration,
Chepauk, Chennai - 600 009.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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